

Plaintiff

vs

TIMOTHY GARCIA, et al

Defendants

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO
NO. CV 20-001087 KWR/kk

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 19 2020

MOTION TO SHOW CAUSE

MITCHELL R. ELFERS
CLERK ^{mn}

I Clayton Whitehead received the order to make payments or show cause. I am writing to inform the courts that the 2000-3500 A week that I receive from my grandmother Mary Jo Sawyer is a gift to help me sustain living here in prison I need it to buy groceries and hygiene and writing supplies because the prison rarely provides such things. It is the only assistance I receive from anybody I feel it is quite burdensome to have to pay 2000 of a gift that helps me to maintain in prison. IF I was not incarcerated and had other means of paying I would be able to make payments or pay the whole fee no problem.

✓ Clayton Whitehead 83771

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLAYTON WADE WHITEHEAD,

Plaintiff,

vs.

No. CV 20-001087 KWR/KK

TIMOTHY GARCIA, et al.,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

This matter is before the Court on the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed by Plaintiff Clayton Wade Whitehead. (Doc. 2). Based on analysis of his Prisoner's Motion and the inmate account statement (Docs. 2, 4), the Court grants Plaintiff leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid.

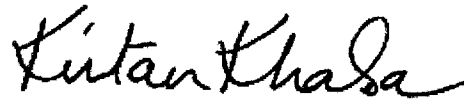
Plaintiff's inmate account statement shows total deposits over the six-month period preceding filing in the amount of \$1,196.30 and average monthly deposits in the amount of \$199.38. (Doc. 4). Analyzing Plaintiff's inmate account statement (Doc. 4) under § 1915(b)(1), the Court finds that Plaintiff owes an initial partial payment of \$39.88 (20% of \$199.38). If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed by Plaintiff Clayton Wade Whitehead (Doc. 2) is GRANTED;

IT IS FURTHER ORDERED that, within thirty (30) days of entry of this Order, Plaintiff send to the Clerk an initial partial payment of \$39.88 or show cause why payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the \$39.88 amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the \$39.88 initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.



UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
185 W. MICHAEL JENKINS

Clayton Ann 88415

RECEIVED KIRAN KHANSA

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 19 2020

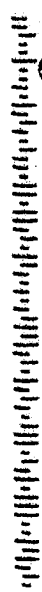
MITCHELL R. ELLERS

CLERK OF THE CLERK

Suit 270 333 10th St BIVD. NW

Albey, New Mexico 87102

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11/18/2020

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